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FISCAL IMPACT STATEMENT

LS 6213

BILL NUMBER: SB 34

NOTE PREPARED: Jan 13, 2011

BILL AMENDED: Jan 13, 2011

SUBJECT: Interstate Compact for Juveniles.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- (1) Adopts the Interstate Compact for Juveniles.
- (2) Creates a National Interstate Commission for Juveniles made up of the compact administrators from states that join the interstate compact.
- (3) Delegates to the interstate compact the authority to adopt rules concerning the transfer of juvenile probationers and parolees between states.
- (4) Adds members to the State Council for Interstate Adult Offender Supervision.
- (5) Provides that the State Council for Interstate Adult Offender Supervision is also the Council for Interstate Juvenile Supervision.
- (6) Requires an offender and juvenile offender to pay a \$125 application fee to apply for a transfer out of state.
- (7) Creates a \$10 travel permit fee for an offender or delinquent child to travel to another state.
- (8) Creates the Indiana Judicial Center Offender Transportation Fund and the Department of Correction Offender Transportation Fund.
- (9) Requires counties to establish a County Offender Transportation Fund.

Effective Date: July 1, 2011.

Explanation of State Expenditures: This bill will adopt the Interstate Compact for Juveniles. This bill is expected to increase state expenditures to provide annual membership dues to the Interstate Commission for Juveniles by \$22,000 per year.

Annual membership dues are calculated by the Interstate Commission for Juveniles based on a state or territory's population compared to the U.S. population and the number of a state's or territory's juvenile transactions as compared to the U.S. number of juvenile transactions. State dues are determined on a tier basis, with tiers ranging from \$12,000 to \$37,000. There are a total of six tiers, and if ordered from bottom to top, Indiana is in the third tier.

The bill adds members to the Indiana State Council for Interstate Adult Offender Supervision, specifically the Director of the Department of Child Services and the President of the Indiana Council of Juvenile and Family Court Judges. The bill also specifies that the State Council for Interstate Adult Offender Supervision is to act as the State Council for Interstate Juvenile Supervision.

Expenses of the State Council (including reimbursement for Council members) are provided by the Indiana Judicial Center. This will increase the expenses of the Indiana Judicial Center to provide additional reimbursement to (1) new State Council members and (2) for additional meetings of the State Council to fulfill their role as the State Council for Interstate Juvenile Supervision.

Currently, members of the State Council for Interstate Adult Offender Supervision are entitled to receive at least reimbursement for travel expenditures. This applies to Council members who are state employees, nonstate employees, and members of the General Assembly. Only Council members who are also members of the General Assembly are entitled to receive the same per diem, mileage, and travel allowances as those paid for interim study committees.

Explanation of State Revenues: Summary: This bill is expected to increase state revenue by approximately \$57,000 per year by (1) increasing the current \$75 transfer application fee to \$125 for adult offenders on probation or parole, (2) creating a \$125 transfer application fee for juvenile offenders on probation or parole, and (3) creating a new \$10 DOC transportation fee assessed to both juvenile and adult offenders on probation or parole who wish to transfer to another state.

Currently half of the transfer application fee is to be deposited into the General Fund (and the other half in a county Supplemental Adult Probation Services Fund) for purposes of paying for the costs of administering the interstate compact for adult offender supervision.

As proposed, half of the revenue generated from the transfer application fee is to be deposited in the IJC Offender Transportation Fund, rather than the General Fund (and the other half in a county Offender Transportation Fund). The purpose of the IJC Offender Transportation Fund is to pay the costs of administering the interstate compact for adult offender supervision and the interstate compact for juveniles.

This bill will divert revenue to the IJC Offender Transportation Fund that otherwise would have been deposited into the General Fund.

The changes in this bill may decrease revenue to the General Fund, but will also decrease obligations on the General Fund for the administration of the interstate compact for adult offender supervision (as these costs will be financed from the IJC Offender Transportation Fund). The additional revenue deposited in the IJC Offender Transportation Fund from the increase in the transfer application fee and from applications submitted by juvenile offenders is expected to also cover the costs of administering the interstate compact for juveniles.

Additional Information:

Offender Transportation Funds: This bill creates two nonreverting Offender Transportation Funds; one under the purview of the Department of Correction (DOC) and another under the Indiana Judicial Center (IJC). These funds are established to defray the costs of returning parolees to the state who violate their supervision conditions.

DOC Offender Transportation Fund: This fund consists of \$10 application fees paid by offenders and delinquent children who reside in Indiana under the Interstate Compact for Adult Supervision or the Interstate Compact for Juveniles and request travel to another state. This bill will increase state revenue from application fees and will help reduce state expenditures for transporting parolees.

For CY 2009, there were a total of 1,432 adults and juvenile offenders who would be subject to the additional \$10 fee. Using this information, it was estimated this provision of the bill would increase DOC revenue by approximately \$14,320 per year.

Transfer Application Fees: The bill increases the adult offender out-of-state transfer application fee from the current \$75 to \$125 and will apply the \$125 application fee to juvenile offenders.

Currently, this application fee is transferred to the county treasurer where 50% of the collections are deposited into the county Supplemental Adult Probation Services Fund and the remaining portion is transferred to the Indiana Judicial Center to be deposited into the General Fund to cover the costs of administering the Interstate Compact for Adult Offender Supervision.

As proposed, 50% of the application fees forwarded to the county treasurer would be deposited into the county Offender Transportation Fund and the remaining 50% would be deposited into the IJC Offender Transportation Fund.

The table below demonstrates how much revenue was received (\$75 transfer application fee) in CY 2009 and how much is estimated to be received under the bill (\$125 transfer application fee) based on the CY 2009 data. This bill is expected to increase revenue by \$62,550 per year, of which the state will receive \$31,275 of this increase.

Offender Type	Granted Requests	CY 2009 Revenue	Estimated Revenue
Felons in DOC released to Out-of-State Parole	132	\$9,900	\$16,500
Felons on Probation Released to Out-of-State Probation	1,078	\$80,850	\$134,750
Misdemeanants on Probation Released to Out-of-State Probation	41	\$3,075	\$5,125
Total	1,251	\$93,825	\$156,375

Of the revenue that was collected in CY 2009, approximately \$47,000 was forwarded to the county Supplemental Adult Probation Services Fund and approximately \$47,000 was forwarded to the General Fund. As proposed, approximately \$78,000 of the estimated revenue will be deposited in the county Offender Transportation Fund and the remaining \$78,000 of estimated revenue will be deposited in the IJC Offender

Transportation Fund.

The bill will also allow Indiana juveniles who are currently on probation or parole to request an out-of-state transfer. Applications would be subject to the \$125 fee. In CY 2009 there were 181 supervised juveniles that were granted out-of-state transfer. This would further increase revenue to the county Offender Transportation Fund and the IJC Offender Transportation Fund by \$22,625 (or \$11,300 per fund).

This provision is expected to decrease revenue deposited in the General Fund, but increase revenue deposited in the IJC Offender Transportation Fund. The bill will also help reduce state expenditures for transporting parolees.

Explanation of Local Expenditures:

Explanation of Local Revenues: This bill is expected to increase local revenue by approximately \$42,500 per year (1) increasing the current \$75 transfer application fee to \$125 for adult offenders on probation or parole and (2) creating a \$125 transfer application fee for juvenile offenders on probation or parole.

This bill will both (1) increase county revenue from transfer application fees and (2) redirect revenue from transfer application fees from the county Supplemental Adult Probation Services Fund to the county Offender Transportation Fund.

For more information, see *Explanation of State Revenue*.

State Agencies Affected: DOC, IJC; DCS.

Local Agencies Affected: Local probation departments.

Information Sources: DOC Data; Tim Brown, DOC.

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